**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**SIDE JURISDICTION**
**CRIMINAL APPLICATION NO. 1 OF 2007**
**IN**
**CRIMINAL APPEAL NO.1 OF 2007**

Savkar Dhondiba Gunjal ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri V.M.Parshuram i/b Milind Sawant for the applicant.
Shri A.P.Adsule, APP for the State.

**WITH**
**CRIMINAL APPLICATION NO.3 OF 2007**
**IN**
**CRIMINAL APPEAL NO.4 OF 2007**

Mr.Nivrutti Sitaram Yewale ..Applicant.
V/s.
The State of Maharashtra ..Respondent.

Shri Girish Kulkarni, adv. for the Applicant.
Shri A.P.Adsule, APP for the State.

**CORAM: J.H.BHATIA, J.**
**DATE : 2nd February, 2007.**

**P.C.:**

1. Heard the learned counsel for the applicants and Mr.Adsule, the learned APP for the State.

2. The applicants before this Court are original accused nos.2 in Criminal Application No.3 of 2007 and accused no.6 in Criminal Application No.1 of 2007. In all 6 accused persons were put to trial for the offences punishable under Sections 467, 468, 479, 477 A , 409

read with Section 120-B of the I.P.C. and for the offences punishable under Sections 13(2) read with 13(1)(c) of the Prevention of Corruption Act. Accused no.2, Nivrutti was awarded R.I. for 7 years and to pay fine of Rs.2 lakhs on two counts and R.I. for 5 years and fine of Rs.1 lakh on one count. He was an assistant working with Railway Goods Clearing & Forwarding Establishment Labour Board (for short 'Board') and accused no.6, Savkar Gunjal who is a chartered accountant, was auditor of the accounts of the said Board and he was also awarded R.I. for 7 years and fine of Rs.2 lakhs, R.I. for 5 years with fine of Rs.1 lakh on two counts. They have preferred appeals which are admitted.

3. Prosecution case in brief is that the accounts of the Board were prepared and maintained by the accountant who is accused no.1 and accused no.2 was assistant working in different department but he had also entered into conspiracy for manipulation of accounts, misappropriation and forgery. Accused no.6 who is a chartered accountant had also assisted in commission of the said crime. According to accused no.6, he was appointed as an auditor and he had audited accounts for the periods of 1990-91 and 1991-92. Actual work of the auditing was done by him from 17th June,

1992 till 28th July, 1992. According to him, he had nothing to do with the commission of crime of forgery or manipulation of accounts. He had simply audited the accounts on the basis of documents and account books submitted to him for that purpose. Audited report was submitted to the Government. Admittedly, accused no.1 is the main culprit who is not before this Court. An alleged offences were committed during the years 1990-91 and 1992. The applicants were on bail. Offence was registered in 1994 while the chargesheet was filed in 1997. The trial came to an end on 26th September, 2006. During this period, applicants were on bail. The case is based on the account books and documents. Taking into consideration nature of the offences and volume of the evidence, it is possible that the appeals may take long time for being heard and disposed off.

4. In view of the above circumstances, both the applicants are hereby granted bail on same terms and conditions as before the Trial Court subject to furnishing fresh bail bonds and depositing fine amount.

5. Both the applications stand disposed off.

**(J.H.Bhatia,J.)**